

O I P E

NOV 2 4 2001



#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: John M. Simonsen
Gordon E. Smith
W. Paul Willis
Daniel J. McGuire
Douglas A. Steck

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: 09/846,744

DATE FILED: 05/01/2001

TITLE: METHOD AND SYSTEM FOR ADAPTING A TELEPHONE
LINE MODEM FOR USE ON THE POWER LINE

ATTORNEY DOCKET: 4265.1 P

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, DC 20231

DECLARATION FOR PATENT APPLICATION

Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE** the specification of which

☐ is attached hereto

☒ was filed on May 1, 2001

as Application Serial No. 09/846,744

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of

TOTAL 44 4265.1 P

any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority | Claimed |
|------------------------------|-----------|--------|------------------------------|-----------------------------|
| _____ | _____ | _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Number) | (Country) | (Date) | | |
| _____ | _____ | _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Number) | (Country) | (Date) | | |
| _____ | _____ | _____ | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (Number) | (Country) | (Date) | | |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

| Prior Provisional Application(s) | |
|----------------------------------|-------------------|
| <u>60/201,221</u> | <u>05/02/2000</u> |
| (Application No.) | (Filing Date) |
| _____ | _____ |
| (Application No.) | (Filing Date) |
| _____ | _____ |
| (Application No.) | (Filing Date) |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Prior United States Application(s): | | |
|-------------------------------------|---------------|---|
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |

Power of Attorney

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154) and Daniel P. McCarthy (Reg. No. 36,600) as my representatives and attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone

F04311-443430

number:

Lloyd W. Sadler
MCCARTHY & SADLER, LC
39 Exchange Place, Suite 100
Salt Lake City, Utah 84111
(801) 323-9399 - telephone
(801) 323-9396 - facsimile

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: John M. Simonsen

Residence of inventor:

Address: 430 East 1980 North
City: Provo
State: Utah 84604
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 430 East 1980 North
City: Provo
State: Utah 84604

Inventor's Signature:

John M. Simonsen

Date:

10/24/2001

Full name of inventor: Gordon E. Smith

Residence of inventor:

Address: 12124 Yorkridge Road
City: Sandy
State: Utah 84094
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 12124 Yorkridge Road
City: Sandy
State: Utah 84094

Inventor's Signature:



Date:

10/12/2001

Full name of inventor:

W. Paul Willis


Residence of inventor:

Address: 1224 East Preston Drive
City: Alpine
State: Utah 84004
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 1224 East Preston Drive
City: Alpine
State: Utah 84004

Inventor's Signature:



Date:

10/12/01

Full name of inventor:

Daniel J. McGuire

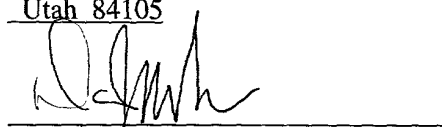
Residence of inventor:

Address: 1239 Roosevelt Avenue
City: Salt Lake City
State: Utah 84105
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 1239 Roosevelt Avenue
City: Salt Lake City
State: Utah 84105

Inventor's Signature:



Date:

10/10/01

Full name of inventor:

Douglas A. Steck

Residence of inventor:

Address: 13091 South 2110 West
City: Riverton

2001-10-12 14:34:30

State: Utah 84065
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 13091 South 2110 West
City: Riverton
State: Utah 84065

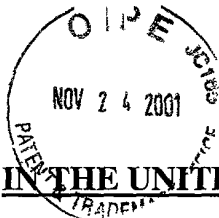
Inventor's Signature:

Douglas A. Steck

Date:

10-12-01

094644-449430



12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: John M. Simonsen
Gordon E. Smith
W. Paul Willis
Daniel J. McGuire
Douglas A. Steck

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: 09/846,744

DATE FILED: 05/01/2001

TITLE: METHOD AND SYSTEM FOR ADAPTING A TELEPHONE
LINE MODEM FOR USE ON THE POWER LINE

ATTORNEY DOCKET: 4265.1 P

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, DC 20231

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS**

**--INDEPENDENT INVENTOR--
(37 CFR 1.9(c), (f) and 1.27(b))**

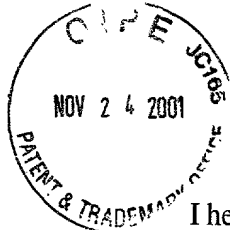
Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE** described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

09/846,744



I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor:

John M Simonsen

Name of Inventor:

John M Simonsen

Date:

9 Nov 2001

Signature of Inventor:

Gordon E. Smith

Name of Inventor:

Gordon E. Smith

Date:

26 Oct 2001

Signature of Inventor:

W. Paul Willis

Name of Inventor:

W. Paul Willis

Date:

29 Oct 2001

Signature of Inventor:

Daniel J McGuire

Name of Inventor:

Daniel J McGuire

Date:

1 Nov 2001

Signature of Inventor:

Douglas A. Steck

Name of Inventor:

Douglas A. Steck

Date:

10-25-01

FOR "OFFICE" USE ONLY